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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,313	10/22/2001	Francis J. Maguire JR.	313-002-3	7746

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EXAMINER
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LUU, MATTHEW

ART UNIT	PAPER NUMBER
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3663

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/038,313

Applicant(s)

MAGUIRE, FRANCIS J.

Examiner

LUU MATTHEW

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14,16,19,22,25,26 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14,16,19,22,25,26 and 38-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "means for providing successive mixed optical images of an object space in an image space" (claim 14, lines 2-3); the "successive mixed images for simulating percepts of optical images of the object space cast on a simulated eye's retina" (claim 1, lines 5-6); the "means for changing the image content of selected successive mixed images according to changes in the direction of the simulated eye's visual axis in the object space" (claim 14, lines 7-9); the "highly detailed component may be cast on the fovea" (claim 14, line 13); and "the lesser detailed component may be cast on the on at least the remainder of the retina of the viewer's eye" (claim 14, lines 14-15); and the "means for providing additional successive mixed optical images of the object space in the image space for presentation to the viewer's remaining eye" as recited in claim 22, lines 2-3, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

Art Unit: 3663

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14, 16, 19, 22, 25-26 and 38-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 14, lines 2-3, it is unclear what exactly is the "means for providing successive mixed optical images of an object space in an image space".

Art Unit: 3663

What are the object space and an image space? What is the difference between the object space and the image space?

Regarding claim 14, lines 5-6, it is unclear what are the "successive mixed images for simulating percepts of optical images of the object space cast on a simulated eye's retina". It is unclear what exactly is "a simulated eye's retina" and how exactly the eye's retina can be simulated.

Regarding claim 14, lines 7-9, it is unclear what is the "means for changing the image content of selected successive mixed images according to changes in the direction of the simulated eye's visual axis in the object space". What exactly is the simulated eye's visual axis in the object space?

Regarding claim 14, line 13, it is unclear how exactly the "highly detailed component may be cast on the fovea". It is unclear how exactly the image can be divided and directed to different parts of the eye. What is the mechanism that divides the images and directs the image into different parts of the eye?

Regarding claim 14, lines 14-15, it is unclear how exactly "the lesser detailed component may be cast on the on at least the remainder of the retina of the viewer's eye". It is unclear how exactly the image can be divided and directed to different parts of the eye. What is the mechanism that divides the images and directs the image into different parts of the eye?

Dependent claims 16, 19, 22, 25-26 and 38-40 are considered rejected for incorporating the defects from their respective claim 14 by dependency.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 16, 19, 22, 25-26 and 38-40, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Milgram et al (5,175,616) in view of Ruoff, Jr. (4,513,317).

Regarding claims 14, 16, 19, 22, 25-26 and 38-40, as best understood, Milgram et al disclose (Figs. 1, 7 and 8) an apparatus, comprising:

means (Fig. 1, a stereoscopic television system 10) for providing successive mixed optical images of an object space in an image space for presentation to a viewer's eye.

Milgram further teaches (Fig. 1) means (10) for changing the image content of selected successive mixed images according to changes in the direction of the simulated eye's visual axis.

Milgram further discloses the mixed image (Fig. 1, a composite image signal 23) for providing simulated active percepts for passive perception (Fig. 7 shows the simulated scene (simulated active percepts) is being viewed through a pair of

Art Unit: 3663

stereoscopic video cameras 14 and 16 (passive perception). See column 8, lines 6-11 and 44-46.

Milgram further teaches "In accordance with the present invention, this is achieved by providing a method and an apparatus which synchronously superimposes a virtual, stereographic graphic pointer video signal onto the video signal of a remote environment so as to allow the two signals to be displayed together as a single combined video signal on a single viewing screen" (Column 4, lines 3-9).

Therefore, based on the above teachings, the superimposed image or the combined image is the claimed "mixed image". See also column 8, lines 6-11 and 44-46.

Milgram fails to disclose each mixed optical image having a highly detailed component and a lesser detailed component.

However, Ruoff, Jr. (4,513,317) discloses (Figs. 1, 2 and 5) a mixed optical image having a highly detailed component (high resolution) and a lesser detailed component (low resolution) in a television apparatus (Column, lines 16-28).

Therefore, it would have been obvious to a person of ordinary to use the mixed image with different detailed or resolution components in a television apparatus of Ruoff, Jr. into the stereoscopic television system of Milgram to provide a television apparatus to provide a retinal stabilized variable resolution television display.

***Response to Arguments***

Applicant's arguments with respect to claims 14, 16, 19, 22, 25-26 and 38-40 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Luu

  
**MATTHEW LUU**  
**PRIMARY EXAMINER**